

Appl. No. 10/743,751
Amdt. dated July 11, 2005
Reply to Final Office Action of May 18, 2005

REMARKS/ARGUMENTS

Status of Claims

Claims 1-4, 9, 10 and 12 to 14 are pending while claims 5-8 and 11 have been cancelled. Of the pending claims, claims 1, 9 and 12 are currently amended, while claims 2-4, 10, 13 and 14 remain as before except to the extent that they are amended by their dependence on claims 1, 9 or 12

Remarks Regarding Amendments

Claim 1 is amended to delete the words "from proximate the inner end of the top member" and to specify that the elongate side member has a longitudinal axis and is adjustable by a user rotating the side member about the longitudinal axis. This amendment is supported by, for example, page 3, line 4. Claim 9 is amended to make it independent and to incorporate some of the elements of former claims 1, 6 and 8. Claim 12 is amended to make it depend on claim 1. The applicant submits that these amendments do not introduce new subject matter.

Claim Objections for Informalities

Without admission, Claim 1 has been amended to specify that the axial engagement mechanism is adjustable by a user. Claim 8 is cancelled. The Applicant submits that this resolves the objections for claim informalities.

Claim Rejections 35 USC § 112

Claim 7 and 11 were rejected as being indefinite. Without admitting that the claims were indefinite, they have been cancelled which moots the rejection.

Claim Rejections 35 USC § 102 / 103

Claim 1 was rejected as being anticipated by Lamb U.S. Patent No. 2,414,538 or obvious in view of Horen U.S. Patent No. 5,865,410.

Appl. No. 10/743,751
Amdt. dated July 11, 2005
Reply to Final Office Action of May 16, 2005

Claim 1, as amended, specifies an axial engagement mechanism adjustable by a user rotating a side member about its longitudinal axis. The Applicant submits that this element is not found in Lamb U.S. Patent No. 2,414,538, nor made obvious by Horen U.S. Patent No. 5,865,410 and so claim 1 is not anticipated or obvious. The Applicant further note that claim 11 specified that adjustment of the axial engagement mechanism moves the side member relative to the diagonal member. The Office Action rejected claim 11 because it was not clear whether, for example, the side member rotated about a vertical axis. However, the Office Action also stated that claim 11 would be allowable if re-written to overcome this rejection and include the elements of claim 1.

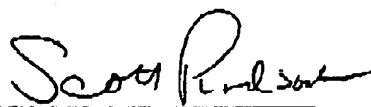
Claims 2-4, 10, and 12-14 all depend on claim 1 and so are allowable for at least the reasons given in relation to claim 1.

Claim 9 was objected to but indicated as being allowable if re-written to include all limitations of claims 1, 6 and 8. Claim 8 was objected to for informalities. The Applicant submits that claim 9 as amended incorporates sufficient matter from claim 1, 6 and 8 so as to be allowable without being objectionable for informalities.

In view of all the above, Applicant respectfully submits that the claims presently on file are patentable over the prior art. Applicant submits that this is a complete response to the outstanding Examiner's communication and that this application is now in condition for allowance.

Respectfully submitted,

GEORGE W. JACKSON

By 

Scott Pundsack
Reg. No. 47,330
(416) 957-1698